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C O N F I D E N T I A L SECTION 01 OF 03 KATHMANDU 000977

SIPDIS

STATE FOR SA/INS AND PRM  
LONDON FOR POL - GURNEY  
GENEVA FOR THOMAS-GREENFIELD

E.O. 12958: DECL: 05/26/2013

TAGS: PREF PREL NP BT

SUBJECT: NEPAL: MINISTERIAL MEETING FAILS TO RESOLVE  
TROUBLING QUESTIONS FOR BHUTANESE REFUGEES

REF: A. NEW DELHI 2592

1B. NEW DELHI 2591

1C. GENEVA 1277

1D. STATE 93923

1E. KATHMANDU 0565

Classified By: CDA ROBERT K. BOGGS. REASON: 1.5 (B,D).

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SUMMARY  
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11. (C) Summary and Action Request: The 14th bilateral meeting between the Foreign Ministers of Nepal and Bhutan concluded on May 22 without clarifying a number of crucial issues, including the status of thousands of Bhutanese refugees who must reapply for citizenship upon their return, and the role of UNHCR in the repatriation process. The two governments plan to publish the results of the joint verification report at the first refugee camp in June. Although "logistical details" concerning repatriation are to be addressed at the next ministerial, scheduled to be held in August in Thimpu, key questions like where the refugees will be resettled in Bhutan or what happens to those who do not qualify for citizenship, do not appear to be on the agenda. A rather optimistic timeline has the first refugees repatriated to Bhutan in September. The Government of Nepal (GON) is relying--we think somewhat naively--upon Bhutanese "flexibility" and donor pressure to ensure that repatriation proceeds smoothly. Action Request: Embassy requests that the Department consider instructing embassies in Bhutanese donor capitals to demarche their host governments to urge Government of Bhutan to meet its commitments and engage the UNHCR in repatriation. A parallel demarche could be made directly to Bhutanese officials in New Delhi. End summary and action request.

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GON HAILS 14TH MINISTERIAL A SUCCESS  
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12. (U) The 14th Ministerial Joint Committee Meeting between the Foreign Ministers of Bhutan and Nepal to address the Bhutanese refugee issue was held in Kathmandu from May 19 to 122. The Ministerial adopted the findings of the Joint Verification Team (JVT), which categorized the first 12,000 refugees to be considered for possible repatriation to Bhutan. The Ministerial directed the JVT to verify the status of 600 "absentee" refugees, to inform the 12,000 residents of the first verified camp of the findings by mid-June and to allow a two-week appeals process thereafter. A 15th Ministerial, to be held in Thimpu from August 11-14, will formally approve the JVT report. Local press reports quoted an unnamed Government of Nepal (GON) source participating in the Ministerial as lauding the "significant" progress toward resolution of the 13-year-old issue achieved during the meeting.

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MOST RETURNNEES MAY FACE CITIZENSHIP LIMBO  
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13. (SBU) On May 23 poloff, accompanied by the First Secretary from the UK Embassy, met with Dr. Madan Kumar

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Bhattarai, MFA Spokesman and Joint Secretary for South Asian Affairs, for a readout on the Ministerial. Bhattarai sketched out a timeline for eventual repatriation of the first tranche of verified returnees. (Note: Refugees were "verified" to be in one of four categories: (i) those forcibly evicted; (ii) those who voluntarily migrated; (iii) non-Bhutanese; and (iv) criminals. End note.) The JVT will announce the results of the first verification exercise in Khundanabari Camp from June 8 to July 17 and will attempt to verify the 600 refugees not present when the exercise was conducted. From June 18 to July 7, the JVT will accept appeals from refugees disputing their categorization, although only new "material evidence" will be reviewed. From July 8-31 the JVT will review the appeals and make recommendations. The 15th Ministerial (August 11-14)

meeting will be held in Thimpu to endorse the JVT's final report and to address "logistical details" concerning repatriation. On August 25 the JVT will begin distributing citizenship application forms and other documents to those refugees in the second category who must reapply for Bhutanese citizenship upon return. If all goes according to schedule, repatriation of the first tranche of returnees could begin by September 25.

14. (C) Bhattarai said that 75 percent of the refugees from the first camp were determined to be Bhutanese eligible for repatriation as members of either Categories I or II, which, he indicated, is higher than what the GON had originally anticipated (Ref E). Because the overwhelming majority of that number, he acknowledged, were determined to have "voluntarily" migrated from Bhutan, they must reapply for Bhutanese citizenship upon return. Returnees from both Categories I and II will go to "some camp for some unspecified time," Bhattarai said; the questions of where and for how long were not addressed in the latest Ministerial or in any previous meeting. The Government of Bhutan had pledged in writing that returned refugees would be provided some sort of "livelihood," Bhattarai confirmed, but no further discussion of arrangements for their accommodation, employment, or education has taken place. Also not discussed, apparently, was what might happen to Category II returnees--the bulk of those to be repatriated--whose reapplication for Bhutanese citizenship is ultimately turned down. Finally, the Ministerial did not take up the sticky topic of UNHCR involvement in the repatriation process, Bhattarai conceded. When asked if these difficult questions might be addressed in the August Ministerial, Bhattarai did not seem hopeful.

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"TICKLISH" PROBLEM: WHAT TO DO  
WITH THOSE WHO WON'T GO BACK  
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15. (C) Because all repatriation must be voluntary, the GON is prepared to allow those refugees not wishing to return to Bhutan to apply for Nepali citizenship, Bhattarai reported. Poloff asked on what basis citizenship might be granted, since under current law only the children of Nepali citizen fathers qualify. (Note: Even children born in Nepal of Nepali citizen mothers do not qualify for citizenship if their fathers are foreign. End note.) Bhattarai acknowledged the legal hurdle, but reiterated that the GON nonetheless has offered to allow the refugees to apply for citizenship to address this "ticklish" problem.

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SUPPORT FROM DONORS, INDIANS NEEDED  
TO ENSURE BHUTANESE "FLEXIBILITY"  
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16. (C) Poloff and the representative from the British Embassy expressed concern that so many details, certain to be important to refugees contemplating returning to Bhutan after more than a decade, had been left unanswered. They speculated that the refugees would surely want information on where they would be living, what they would be doing for a living, whether their children would be educated, and some assurance of international oversight of the repatriation process before making a final decision. Delegations from the camps already have raised these questions and others in a number of meetings with the diplomatic community in Kathmandu, the emboffs noted. If members of the first tranche find inhospitable conditions upon their return to Bhutan, word will get back to the rest of the camps, possibly discouraging others from applying for repatriation and leaving Nepal with a greater number of refugees to absorb, they cautioned. Poloff suggested that the international community might find it difficult to support a repatriation process that did not make provision for such oversight, a role best performed by UNHCR. (Note: UNHCR in Kathmandu confirmed to the Embassy on May 28 that the Government of Bhutan has still not extended an invitation to special envoy Jahanshah Assadi to visit. End note.) Bhattarai responded that the Bhutanese had "privately assured" the GON of their good faith in providing for returnees, as well as their "flexibility" in applying their generally rigorous standards for citizenship to refugees. The Bhutanese Foreign Minister had expressly asked his Nepali counterpart that questions about the resettlement process in Bhutan "be left to the Bhutanese side," Bhattarai said. Pressure from the donor community and the Government of India will be critical to ensuring that Bhutan keep to its commitments, he concluded. (MFA Foreign Secretary Madhu Raman Acharya urged the same point to CDA on May 26.)

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COMMENT  
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17. (C) After more than a year of no progress, the GON seems

pleased to have an agreement that, at least in theory, allows for the repatriation of most of the refugees. It seems doubtful to us, however, that the refugees will feel reassured by a repatriation process the implementation of which is left exclusively to the same government that expelled them 13 years earlier. Our views are shared by our colleagues in the diplomatic community, including the British, the Germans, and the EU. Given the number of unknowns confronting prospective returnees--especially the majority who are deemed to have forfeited Bhutanese citizenship by "voluntarily" migrating--it seems difficult to believe that a significant number will agree to go back. We are especially concerned that both governments seem prepared to initiate a process that appears to exclude UNHCR. The GON is clearly looking to the international community (including the Indians) to use its influence to hold the Bhutanese to their commitment to conduct a good-faith repatriation effort. At a minimum, we believe that effort must include a role for UNHCR.

18. (C) Demarche Request: Embassy requests that the Department instruct embassies in Bhutanese donor capitals to demarche host nation governments to urge the Government of Bhutan (GOB) to fulfill its bilateral commitment to repatriation. The GOB should be further encouraged to permit full UNHCR involvement in the process, starting with a visit by the UNHCR special envoy, to ensure compliance with international human rights standards. Embassy further requests that the Department consider a parallel demarche to GOB officials in New Delhi.

BOGGS